

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA

-v-

CONSTANTINE VOYTENKO,

Defendant.

- - - - -x

COUNT ONE

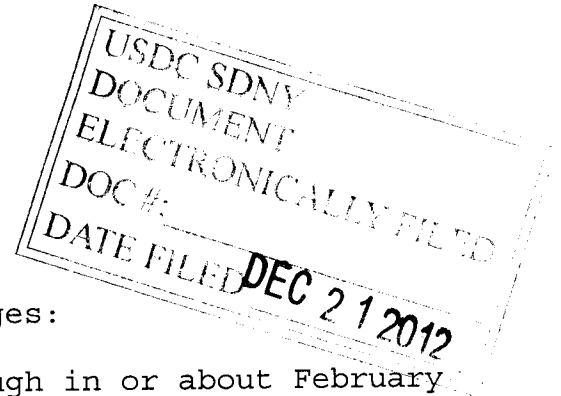
The United States Attorney charges:

1. From in or about 2007 through in or about February 2012, CONSTANTINE VOYTENKO, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 1341 and 1347.

2. It was part and an object of the conspiracy that CONSTANTINE VOYTENKO, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did take and receive therefrom, such matter and thing, and would and did cause to be delivered by mail according to the direction thereon, and at the place at which it is

INFORMATION

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directed to be delivered by the person to whom it is addressed, a matter or thing, in violation of Title 18, United States Code, Section 1341.

3. It was further a part and an object of the conspiracy that CONSTANTINE VOYTENKO, the defendant, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a health care benefit program, and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of a health care benefit program in connection with the delivery of and payment for health care benefits, items and services, in violation of Title 18, United States Code, Section 1347.

OVERT ACT

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about November 2011, CONSTANTINE VOYTENKO, the defendant, provided unnecessary and excessive chiropractic treatment to an undercover officer in Brooklyn, New York.

(Title 18, United States Code, Section 371).

Forfeiture Allegation As to Count One

5. As a result of conspiracy to commit the federal health care fraud and mail fraud offense charged in Count One of this Information, CONSTANTINE VOYTENKO, the defendant, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(7), and Title 28, United States Code, Section 2461(c), shall forfeit all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offense charged in Count One of this Information, including but not limited to a sum of money equal to \$282,419.41, in that such sum in aggregate is property representing the amount of gross proceeds obtained as a result of the mail and health care fraud conspiracy offense.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the said defendant up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 982; and Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

PREET BHARARA
United States Attorney

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(Title 18, United States Code, Sections 981 and 982; and Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



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Form No. USA-33s-274 (Ed. 9-25-58)

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SUPERSEDING INFORMATION

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(18 U.S.C. § 371)

PREET BHARARA
United States Attorney.
